

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE**

WRIT PETITION NO. 7474 OF 2006

The Principal
Pratapsingh Morarji
Memorial Innerwheel
High school & Jr.college Petitioner

versus

Nagendra Pratap Singh & anr..... Respondents.

Shri S.N.Deshpande for the petitioner
Shri C.R.Sadasivan for Respdt. no.1.
Shri S.K.Chincholikar AGP for Respdt. no.2.

**CORAM; A.P. DESHPANDE, J.
DATED; 31ST JANUARY, 2007.**

JUDGMENT;

1. The interlocutory order passed by the Presiding Officer, School Tribunal, Bombay dated 4-10-2006 is challenged by filing the instant writ petition. The respondent was appointed as Assistant teacher initially with effect from 15-6-1998 and has been infact continued in service till his services came to be terminated by order dated 1-4-2000. The order of termination was questioned by filing an appeal wherein respondent succeeded and thereafter again he was terminated from service with effect from 24-4-2004. Yet again in an appeal filed, the respondent succeeded, resulting in quashing of the termination order and directing his re-instatement. Lastly the termination is by order dated 8-8-2006 with effect from 9-10-2006.

It is this order which formed the subject matter of the present appeal and this writ petition.

2. Aggreived by the termination order dated 8-8-2006 the respondent filed an appeal and before the order could operate, the tribunal has stayed the impugned order by an order dated 4-10-2006 which is impugned in this writ petition. As the impugned order is an interlocutory order I do not propose to interfere with the same, more so, having regard to the peculiar facts of the present case. I make it clear that all points raised in this petition are left open for being canvased by the petitioner before the appropriate forum. The learned counsel for the petitioner pressed for an expeditious disposal of the appeal by contending that there are two persons working in the same post and hence the petitioner is unnecessarily financially burdened.

3. In view of this situation, rejecting the petition summarily, I direct the Presiding Officer, New Mumbai to decide the appeal in accordance with the law as expeditiously as possible. I expect the decision of the appeal within a period of four months from today.

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